
UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

PENNSYLVANIA

ANDRE JACOBS

**AMENDED JUDGMENT
IN A CIVIL CASE**

V.

THOMAS MCCONNELL; CAROL SCIRE; GREGORY
GIDDENS; ALLEN LYNCH; ROBERT BITTNER;
CAPTAIN J. SIMPSON; KRISTIN P. RESSING; MICHAEL
FERSON; SHELLY MANKEY; WILLIAM STICKMAN;
FRANK CHERICO; DAVID MCCOY; JEFFREY BEARD

Case Number: 04-1366

X Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE JUDGMENT FILED ON SEPTEMBER 22, 2009, IS HEREBY AMENDED IN ACCORDANCE WITH THE MEMORANDUM OPINION DATED JUNE 7, 2011 (ECF No. 230). AND NOW, IT IS ORDERED AND ADJUDGED

With respect to plaintiff's access to courts claim, the jury finds for defendants Carol Scire, Allen Lynch, Robert Bittner, Captain J. Simpson, Kristin P. Rissing, Michael Ferson, Shelly Mankey, William Stickman, Frank Cherico, David McCoy, and Jeffrey Beard. With respect to plaintiff's access to courts claim, the court grants judgment as a matter of law for defendants Thomas McConnell and Gregory Giddens.

With respect to plaintiff's conspiracy claim, the jury finds for defendants Allen Lynch, Robert Bittner, Captain J. Simpson, Kristin P. Rissing, Michael Ferson, Shelly Mankey, William Stickman, Frank Cherico, David McCoy, and Jeffrey Beard, and finds against defendant Gregory Giddens. The jury's awards \$10,000 on this claim against Giddens for property damage and \$10,000 in punitive damages. The court reduces the jury's award of \$10,000 in compensatory damages for mental harm to \$1 nominal damages as a matter of law, pursuant to the limitation on recovery set forth in § 1997e(e) of the Prisoner's Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(e). With respect to plaintiff's conspiracy claim, the court grants judgment as a matter of law for defendants Thomas McConnell and Carol Scire.

With respect to plaintiff's retaliation claim, the jury finds for defendants Allen Lynch, Robert Bittner, Captain J. Simpson, Kristin P. Rissing, Michael Ferson, Shelly Mankey, William Stickman, Frank Cherico, David McCoy, and Jeffrey Beard, and finds against defendants: 1) Thomas McConnell and awards \$5,000 for property damage and \$5,000 in punitive damages, and the court reduces the jury's award of \$5,000 for mental harm in compensatory damages to \$1 nominal damages as a matter of law, pursuant to the PLRA's limitation on recovery; 2) Carol Scire and awards \$5,000 in punitive damages, and the court reduces the jury's award of \$5,000 for mental harm in compensatory damages to \$1 in nominal damages as a matter of law, pursuant to PLRA's limitation on recovery; and 3) Gregory Giddens and awards \$10,000 for property damage and \$10,000 in punitive damages, and the court reduces the jury's award of \$10,000 for mental harm in compensatory damages to \$1 in nominal damages, as a matter of law, pursuant to the PLRA's limitation on recovery.

With respect to plaintiff's defamation claim, the jury finds against defendant Gregory Giddens and awards \$10,000 for harm to reputation in compensatory damages and \$10,000 in punitive damages, and the court reduces the jury's award of \$10,000 for mental anguish and humiliation in compensatory damages to \$1 nominal damages, as a matter of law pursuant to the PLRA's limitation on recovery.

JUDGMENT SO ORDERED AND TO BE ENTERED IN ACCORDANCE WITH THE VERDICT RENDERED BY THE JURY AND THE DECISION OF THIS COURT TO GRANT JUDGMENT AS A MATTER OF LAW WITH RESPECT TO CERTAIN CLAIMS.

/S/ Joy Flowers Conti

JOY FLOWERS CONTI, U.S. DISTRICT JUDGE

June 7, 2011

Date

ROBERT V. BARTH, JR., CLERK OF COURT

Clerk

/s/ Sharon M. Conley

(By) Deputy Clerk